IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

Bail Appl..No. 4866 of 2007()

CRIME NO.381/2007 OF TRIKKAKARA POLICE STATION

: PETITIONER

DANAVAN @ DANASEELAN,
S/O RAJAPPAN, AGED 50 YEARS,
PARAMBITHERIL HOUSE, KATTATHURUTHU,
MOOTHAKUNNAM, PARAVOOR.

BY ADV. SRI.K.R.VINOD

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

2. THE ASSISTANT COMMISSIONER OF POLICE,
THRIKKAKARA.

3. THE SUB INSPECTOR OF POLICE,
THRIKKAKARA POLICE STATION.

BY PUBLIC PROSECUTOR ADV.SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.4866 of 2007

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Dated this the 13th day of August, 2007

ORDER

Application for anticipatory bail. The petitioner, when he came to Court was not sure whether any crime has been registered. It is now reported that Crime No.381/2007 of Thrikkakara Police Station has been registered on the basis a private complaint filed before the learned Magistrate and referred under Sec.156(3) Cr.P.C. to the Police.

2. The petitioner is the landlord of a two storeyed building. The crux of the dispute between the landlord- petitioner and the defacto complainant-tenant is as to whether the arrangement between them is an arrangement of mortgage or only a pure and simple lease arrangement. The parties are already before the Civil Courts. Allegations and counter allegations have been raised. The defacto complainant has now come to the court below and filed the present complaint raising allegations of forgery.

3. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that the petitioner can now be granted anticipatory bail, subject of course to appropriate terms and conditions which shall ensure the interest of an efficient, honest and expeditious investigation. In the absence of

opposition by the learned Public Prosecutor it is not necessary to advert to the facts in any greater detail.

4. In the result, this petition is allowed. The following directions were issued under Section 438 Cr.P.C.:-

i) Petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m on 16/8/2007.

ii) He shall be released on regular bail on condition that he executes a bond for Rs.50,000/-(Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 3 p.m on 17/08/2007 and 18/08/2007 and thereafter on all Mondays and Fridays between 10 a.m and 1 p.m. for a period of two months. Subsequently the petitioner shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the

petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he were arrested prior to 16/8/2007, he shall be released on his executing a bond for Rs.50,000/- (Rupees fifty thousand only) without any sureties, undertaking to appear before the learned Magistrate on 16/8/2007.

Hand over a copy of this order to the learned counsel for the petitioner, today itself.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE